

IDAHO BOARD OF COSMETOLOGY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 2/1/2016

BOARD MEMBERS PRESENT: Debra J Hummel - Chair
Merrilyn Cleland
Geneal Thompson

BOARD MEMBERS ABSENT: Linda Swope

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Eric Nelson, Board Prosecutor
Roger Hales, Naylor and Hales
Kim Aksamit, Technical Records Specialist I

OTHERS PRESENT: Rick Fuger, Tyler Price, Wendy C Florence,
Marissa Marolf, Stacie Bishop, Rick Evans,
Phil Scott, Barb DeHaan, Jeri DeLang,
Carrie Anson, Ryan Evans, Vicki Ellis and
Kris Ellis

The meeting was called to order at 8:30 AM MST by Debra J Hummel.

APPROVAL OF MINUTES

Ms. Cleland made a motion to approve the minutes of October 5, 2015 with corrections and the December 21, 2015 minutes as written. It was seconded by Ms. Thompson. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The Bureau's budget will be heard on February 12, 2016. The Board's request for additional inspectors was submitted with the budget request and was also part of the Governor's recommendation. The proposed law changes to update the renewal and reinstatement to match changes made in 2015 to Idaho Code 67-2614 was presented in committee by Mr. Toryanski. Mr. Toryanski reported that a legislator had requested a change to the language so the language would be gender neutral. Mr. Toryanski presented new language to the Board.

Ms. Cleland made a motion to approve the new language. It was seconded by Ms. Thompson. Motion carried.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$1,342,416.66 as of 12/31/2015.

DISCIPLINE

MEMORANDUM

Mr. Nelson presented a memorandum regarding case numbers COS-2016-69, COS-2016-27, COS-2016-55; COS-2016-56, COS-2016-64; COS-2016-65, COS-2016-9, COS-2016-10, COS-2016-19, COS-2016-11, and COS-2016-57 and the Board made recommendations to its prosecuting attorney.

Ms. Hummel recused herself from discussion on COS-2016-69.

CONSENT ORDERS

Mr. Nelson presented several signed Stipulation and Consent Orders on cases COS-2015-121, COS-2015-150, COS-2015-151, COS-2016-1, and COS-2016-2. Ms. Cleland made a motion to accept the Stipulation and Consent Orders as signed and to authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Thompson. Motion carried.

FINAL ORDER

COS-2015-97/98 Ms. Cleland made a motion to approve the Findings of Facts, Conclusions of Law and Final Order and authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Thompson. Motion carried

INVESTIGATIVE REPORT

Ms. Peel presented the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Thompson made a motion to approve the Bureau's recommendation and to authorize closure in the following cases with warning letters: I-COS-2016-2; I-COS-2016-36; and I-COS-2016-37 and I-COS-2016-38; I-COS-2016-71 and I-COS-2016-72; I-COS-2016-73 and I-COS-2016-74; I-COS-2016-75 and I-COS-2016-76; I-COS-2016-77 and I-COS-2016-78; and I-COS-2016-79 and I-COS-2016-80. It was seconded by Ms. Cleland. Motion carried.

Ms. Thompson made a motion to approve the Bureau's recommendation and to authorize closure in cases I-COS-2015-189; I-COS-2016-3; I-COS-2016-14; I-COS-2016-41; I-COS-2016-92 and I-COS-2016-99. It was seconded by Ms. Cleland. Motion carried.

DISCIPLINARY ACTION

Ms. Peel presented several signed Stipulation and Consent Orders in cases COS-2016-14/15; COS-2016-20/21; COS-2016-30; COS-2016-31; COS-2016-36/37; COS-2016-40, COS-2016-41/42; COS-2016-44/45; COS-2016-53/54; COS-2016-60/61; COS-2016-62/63; COS-2016-66/67; COS-2016-68; COS-2016-75/76 and COS-2016-78/79. Ms. Thompson made a motion to accept the Settlement Orders as signed and authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

MEMORANDUM

Ms. Peel, presented a memorandum regarding case numbers COS-2016-24; COS-2016-22, and COS-2016-23; COS-2016-25 and COS-2016-26; COS-2016-32, and COS-2016-33; COS-2016-48 and COS-2016-49; COS-2016-51 and COS-2016-52; COS-2016-71 and COS-2016-72. The Board made its recommendations for appropriate discipline.

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

REPORT FROM SUBCOMMITTEE REGARDING DEMONSTRATION PERMITS

Mr. Hales reported on the subcommittees.

Mr. Hales reported that one subcommittee is working on an exemption regarding demonstration permits. The subcommittee will continue to work on this.

Mr. Hales reported that one subcommittee is working on an exemption regarding theatrical makeup. The subcommittee will continue to work on this.

Mr. Hales addressed the Board regarding eyelash extensions.

Ms. Cleland made a motion that it is clear in the statute that eyelash perming does require an individual to be a licensed cosmetologist and it is not clear in the statute that eyelash extensions fall under the scope of practice of cosmetology. It was seconded by Ms. Thompson. Motion carried.

Mr. Hales will continue to work with the subcommittees.

Ms. Hall reported that the Board had requested a PowerPoint presentation on why cosmetology is a regulated profession to be put on the Boards website. It can now be reviewed by going to General Information of Interest on the Board of Cosmetology's website.

NEW BUSINESS

NEXT MEETING

Ms. Cleland made a motion to schedule the next Board meeting for June 6, 2016 at 8:30 AM MDT at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702. It was seconded by Ms. Thompson. Motion carried.

DL ROOPE EXAM CRITICAL CONTENT/CANDIDATE INFORMATION BULLETIN

The Board received information from DL Roope Administrations regarding additional critical content added to the examination and information on non-critical optional services available to all states to add to the examination.

Ms. Thompson approved the cosmetology critical core areas including adding manicures and eyebrow waxing. It was seconded by Ms. Cleland. Motion carried.

CORRESPONDENCE

Ms. DeLang, a Lobbyist for the Locker Room, read a letter to the Board from a licensee regarding using a straight edge razor on the face. The letter addressed that her original license which was obtained in Washington allows her to shave. Her current Idaho cosmetology license allows her to do everything a Barber Stylist in Idaho can do except shaving. She received on the job training in a Washington salon for hot towel face shaves. The licensee said that she would love to add shaving of the face to her current cosmetology license and that it would benefit the customers that live in North Idaho. Ms. DeLang will be meeting with the Barber Examiners at their next scheduled meeting.

Ms. Cleland made a motion to authorize Ms. Hummel to be the designated person to work with Mr. Moriarty, the Chair of the Idaho Barber Examiners, on the above correspondence and other items that concern both professions. It was seconded by Ms. Thompson. Motion Carried.

The Board reviewed correspondence from two individuals regarding the hour requirements for training. The individuals were asking if the Board planned to lower the hours required.

Ms. Cleland made a motion for the Bureau to draft a letter informing the individuals that the Board does not have any proposals and has not heard of any

proposals to change the hour requirements. It was seconded by Ms. Thompson. Motion carried.

DL ROOPE CONTRACT

Ms. Cleland made a motion to accept the DL Roope Administrations, Inc. Testing contract for FY2017 and authorize Ms. Cory to sign on behalf of the Board. It was seconded by Ms. Thompson. Motion carried.

NIC REGION MEETING

A motion was made by Ms. Cleland to have the Board approve all travel expenses for the National Interstate Council of State Boards of Cosmetology Region Meeting (NIC) in Nashville, TN to cover all expenses including, hotel, meals, shuttle, per diem, honorarium, and to allow a Bureau staff member to attend. It was seconded by Ms. Thompson. Motion carried.

EXECUTIVE SESSION

Ms. Cleland made a motion to go into executive session per Idaho Code 67-2345 (1) (d), to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to discuss licensure applications. It was seconded by Ms. Thompson. Motion carried. The vote was: Ms. Hummel, aye; Ms. Cleland, aye; and Ms. Thompson, aye.

Ms. Thompson made a motion to come out of executive session. It was seconded by Ms. Cleland. Motion carried. The vote was: Ms. Hummel, aye; Ms. Cleland, aye; and Ms. Thompson, aye.

APPLICATIONS FOR LICENSE

Ms. Cleland made a motion to accept the applications for Maria Bigley, Heather Koepnick, Brandee Passey, and Morgan Gilreath and issue licenses. It was seconded by Ms. Thompson. Motion carried.

Ms. Cleland made a motion to accept the applications for James Stutheit and issue license. It was seconded by Ms. Thompson. Motion carried.

Ms. Cleland made a motion to have Renee Holloway and Lam Vo take the full examination and issue licenses once the examination has been successfully passed. It was seconded by Ms. Thompson. Motion carried.

Ms. Cleland made a motion to accept the applications for Luan Minh Doan, Phal Chann, and Quyen Lu and issue licenses. It was seconded by Ms. Thompson. Motion carried.

APPRENTICESHIPS

Ms. Thompson made a motion to accept the apprenticeship applications for Vu Viet Nguyen and Mylinh Ngoc Fetterman. It was seconded by Ms. Cleland. Motion carried.

ADJOURNMENT

Ms. Thompson made a motion to adjourn the meeting at 11:53 AM MST. It was seconded by Ms. Cleland. Motion carried.

Debra J Hummel, Chair

Merrilyn Cleland

Geneal Thompson

Linda Swope

Tana Cory, Bureau Chief